IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 20601 of 2004

Between:

1 Kanuri Naga Venkata Kasivisweswara Rao, s/o Narayana Murthy,
r/o Abbirajupalem, Elamanchili Mandal, W.G.District.
2 Annamadevula Trimurthulu, s/o Veera raju,
r/o AVS Colony, Palakol, West Godavari District.
3 N.Venkata Nagendra Kumar, s/o Sri Rama Murthy,
r/o Valluru Thota, Achanta Mandal, W.G.District.
4 Vitakula Venkata Ravi Kumar, s/o Madhusudhana Rao,
r/o Jinnuru, Poduru Mandal, W.G.District.
5 Gandeti Venkateswara Rao, s/o Laxmana Swamy,
r/o Yedla bazar, Palakol, W.G.District.
6 Palanki Gopala Krishna, s/o Krishna Das,
Yalla Vanigaruvu, Palakol, W.G.District.
7 Tannedi Venkata Naga Padmaja, d/o T.Suryan Prakasa Rao,
r/o Sambanna Agraharam, Palakol, W.G.District.
8 Divi Suryanarayana, s/o Narasimha Rao,
Veeravari Veedhi, Palakol, W.G.District.
9 Gunala Trimurthulu, s/o Venkateswar Rao,
r/o Brodipeta, Palakol, W.G.District.
10 Yarragopu Subba Lakshmi, d/o Sarveswara Rao,
r/o AVS Colony, Palakol, W.G.District.
11 Pethala Venkata Ananda Kumar, s/o Satyanarayana Murthy,
r/o Sambhunipeta, Palakol, W.G.District.
12 Kondeti Pallayya Naidu, s/o Suryachandra Rao,
r/o A.V.S.Colony, Palakil, W.G.District.
13 Byreddi Srinivasa Rao, s/o Venkateswarlu,
r/o Kothapeta, Palakol, W.G.District.

..... PETITIONER(S)

AND

1 The Registrar of Cooperative Societies, The Govt. of A.P.,
Near Nizam College, Basheerbagh, Hyderabad.

2 The District Cooperative Officer, Eluru, W.G.District.
3 The Divisional Cooperative Officer (FAC), Bhimavaram Cum Chairman the Polkol Co.operative Urban Bank Ltd., Palakol, W.G.District.
4 The Polakol Co.operative Urban Bank Ltd., rep., by its Secretary, Palakol, W.G.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order or orders, direction or directions, writ or writs, particularly one in the nature of "WRIT OF MANDAMUS" declaring the action of the 3rd respondent in passing the retrenchment order vide Rc.No.1/PKL CUB/1 to 13, dated 30-10-2004 as illegal, arbitrary and violative of principles of natural justice and provisions of A.P. Co-operative Societies Act 1964 and Rules and consequently direct the respondents to continue the petitioners to discharge their duties of their respective post.

Counsel for the Petitioners: MR.K.L.N.SWAMY

Counsel for the Respondent Nos.1 and 2: GP FOR COOPERATION

Counsel for the Respondent No.3: Mr. B.V.Madhava Reddy

The Court made the following :

ORAL ORDER:

This writ petition is filed seeking a Mandamus to declare the action of the 3rd respondent in passing the order of retrenchment vide Rc.No.1/PKLCUB/1 to 13, dated 30.10.2004 as illegal and arbitrary.

The impugned order is passed on the ground that as per the audit report for the year 2003-2004, 2% of the working capital is worked out to be Rs.28,06,373/- and 30% of the Gross income is calculated to be Rs.33,17,205/- and therefore, the petitioner was retrenched. Challenging the same, the writ petition has been filed.

The learned counsel for the petitioners has contended that 2% of the working capital is worked out to be Rs.28,06,373/- and without there being any notice, the impugned order has been passed. Therefore, he prays to allow the writ petition.

On the other hand, the learned Government Pleader for Cooperation has contended that in similar cases, this Court considered in W.P.No.3171 of 2003 and batch, dated 30.8.2004 wherein it is held that if any employee is retrenched or terminated contrary to the provisions of 25-F of the Industrial Disputes Act or 47 of the A.P. Shops and Establishments Act as the case may be, it is open for them to seek appropriate reliefs provided under the said Acts and therefore, the writ petition is devoid of merit.

The facts are not in dispute. As seen from the impugned proceedings, the petitioner was retrenched by giving one month's notice by its order, dated 30.12.2004. It is also stated in the writ petition that the management has not followed the procedure laid down under Section 25-F of the Industrial Disputes Act, 1947. All these aspects have been considered by the learned Single Judge of this Court in W.P.No.3171 of 2003 and batch between ***A.Subrahmanyam Naidu and Others Vs. Government of Andhra Pradesh and another.*** In view of the said judgment, the writ petition is devoid of merit and is liable to be dismissed.

The writ petition is accordingly dismissed. However, the petitioners are at liberty to avail all the remedies as may be available under law. In the circumstances of the case, there shall be no order as to costs.

(K.C. BHANU, J.)

14th February, 2005.

bcj

To

1 The Registrar of Cooperative Societies, The Govt. of A.P.,
Near Nizam College, Basheerbagh, Hyderabad.
2 The District Cooperative Officer, Eluru, W.G.District.
3 The Divisional Cooperative Officer (FAC), Bhimavaram Cum Chairman the Polkol Co.operative Urban Bank Ltd., Palakol, W.G.District.
4 The Polakol Co.operative Urban Bank Ltd., rep., by its Secretary, Palakol, W.G.District.

5. Two C.Cs. to the government Pleader for Cooperation, High Court Buildings, Hyderabad (OUT)

6. TwoC.D. copies.